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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,520	11/28/2001	David W. Boyd	10003816 -1	5054

7590

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EXAMINER

DOAN, DUYN MY

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/997,520		BOYD, DAVID W.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Duyen M Doan		2143	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/28/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

Detail Action

Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Carney et al (us pat 6408278).

As regarding claim 1, Carney et al disclosed a method for distributing and presenting preferred data from a host server to a display device located at a predetermined remote premise, comprising: identifying a user preference (col.8, line 47-65, figure 9); providing a first communication session between a user and a host server, wherein the first communication session transfers the user preference to the host server (col.8, line 47-65, figure 9); selecting preferred data responsive to the transferred user preference (col.8, line 47-65); providing a second communication session via a communication link between the host server and a remotely located display device; wherein the second communication session transfers the preferred data and a display control parameter

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(col.3, line 55-67, figure 1); and placing the remotely located display device in a presentation mode configured to present the preferred data in response to the display control parameter (col.3, line 55-67, figure 1).

As regarding claim 2, Carney et al disclosed wherein the step of identifying a user preference comprises the selection of a digital image (col.3, line 67, col.4, line 1-3).

As regarding claim 3, Carney et al disclosed wherein the step of identifying a user preference comprises the selection of a presentation duration (col.7, line 36-39).

As regarding claim 4, Carney et al disclosed wherein the step of identifying a user preference comprises information reflective of the location of the remote premise (col.5, line 18-24).

As regarding 5, Carney et al disclosed wherein the step of identifying a user preference comprises estimating the number of visitors that may enter observe a periodic display of a plurality of digital images (col.5, line 43-56).

As regarding claim 6, Carney et al disclosed wherein the step of identifying a user preference comprises selecting a presentation sequence when a plurality of digital images are designated for presentation (col.9, line 1-21).

As regarding claim 7, Carney et al disclosed wherein the step of identifying a user preference comprises selecting an input indicative of a period over which the remote display device operates in a presentation mode (figure 9, item 66, 38).

As regarding claim 8, Carney et al disclosed wherein the step of providing a first communication session further results in the transfer of a display device identifier from the user to the host server (col.7, line 64-67, col.8, line 20-25).

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As regarding claim 9, Carney et al disclosed wherein the step of providing a first communication session further results in the transfer of an indication of the health of the display device to the host server (col.7, line 64-67, col.8, line 20-25).

As regarding claim 10, Carney et al disclosed wherein the digital image comprises a public service message (col.5, line 25-26).

As regarding claim 11, Carney et al disclosed wherein the digital image comprises a message that describes a service (col.1, line 67, col.7, line 15-18).

As regarding claim 12, Carney et al disclosed wherein the digital image comprises a message that describes a product (col.6, line 35-45,col.7, line 15-18).

As regarding claim 13, Carney et al disclosed generating a periodic statement reflective of the duration of presentation of the digital image (col.9, line 17-21).

As regarding claim 14, Carney et al disclosed wherein the user preference comprises the association of a preferred time slot for the presentation of each of the plurality of digital images (figure 9, item 66, 68).

As regarding claim 15, Carney et al disclosed initiating a communication session from the remote display device to the host server after execution of the presentation mode (figure 1, communication 23).

As regarding claim 16, Carney et al disclosed wherein the periodic statement is reflective of a cumulative presentation time for a digital image at a user agreed digital image presentation rate (col.9, line 8-21).

As regarding claim 17, Carney et al disclosed means for collecting a plurality of digital images (col.8, line 47-53, col.9, line 1-4); means for indexing the plurality of digital

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images (figure 9); means for recording information reflective of a particular customer (figure 1, database 18); means for providing a mechanism for the particular customer to communicate an image preference (figure 9); means for selecting a digital image responsive to the image preference (col.8, line 53-67, col.9, line 1-4); and means for communicating the digital image to a display device at a remote location (col.8, line 47-53), wherein the display device is configured to enter a presentation mode (col.9, line 1-7).

As regarding claim 18, Carney et al disclosed further comprising: means for the particular customer to transfer a digital image to the collecting means (figure.1, database 18b).

As regarding claim 19, Carney et al disclosed means for the particular customer to request a digital image for presentation at a pre-determined location for a pre-determined time (figure 9).

As regarding claim 20, Carney et al disclosed means for billing the particular customer in accordance with the elapsed presentation time of the digital image wherein a bill is issued over a periodic interval (col.9, line 17-21).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 571 272 3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner  
Duyen Doan  
Art unit 2143

DD

Will C. Vang  
Primary Examiner  
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